

10/509712

EXPRESS MAIL CERTIFICATION UNDER 37 CFR 1.10

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Date of deposit 9/30/04

DT09 Rec'd PCT/PTO 30 SEP 2004

I hereby certify that the paper(s) identified above, and any document(s) referred to as attached hereto, is being deposited with the United States Postal Service on the date indicated in an envelope as "Express Mail Post Office to Addressee" and is addressed: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

*Sean F. Mellino*  
Sean F. Mellino

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Detlef P. Müller-Schulte

Serial No. :

Filing Date : Herewith

Examiner :

Group Art Unit:

Title : Luminescent, Spherical, Non-Autofluorescent Silica Gel  
Particles With Changeable Emission Intensities and  
Emission Frequencies (as amended)

Attorney File : RO0909US (#90568)

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 CFR 1.97**

Mail Stop PCT  
Commissioner for Patents  
P O Box 1450  
Alexandria, Virginia, 22313-1450

Dear Sir,

Under the provision of 37 C.F.R. 1.56, 1.97 and 1.98, Applicant would like to call the Examiner's attention to the references listed on the attached Form PTO-1449. Three of the foreign patent references are enclosed. The Brazilian reference and the publications will be provided shortly.

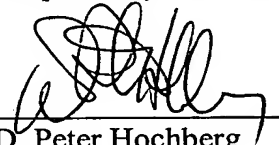
In accordance with 37 C.F.R. 1.97(b)(1), and as this Information Disclosure Statement is being filed with the application, the Statement is submitted before the issuance of a first Official Action on this case.

In accordance with 37 C.F.R. 1.97(g) and 37C.F.R.1.97(h), filing of this Information disclosure Statement shall not be construed to be an admission that the

information cited in the statement is, or is considered to be, material to patentability as defined in 34 C.F.R. 1.56(b).

The Examiner is requested to make the attached references of record and to consider these references along with such other references deemed pertinent as a result of the Examiner's own independent search and examination.

Respectfully submitted,

  
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Reg. No. 24,603

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FORM PTO-1449

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U S PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name
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_____	3,996,345	12/7/76	Ullman, et al.
_____	3,998,943	12/21/76	Ullman
_____	4,035,316	7/12/77	Yen, et al.

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_____	4,108,972	8/22/78	Dreyer
_____	4,174,384	11/13/79	Ullman, et al.
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_____	6,326,144	12/4/2001	Bawendi, et al.

#### Foreign Patent Documents

<u>Examiner Initial</u>	<u>Document Number</u>	<u>Date</u>	<u>Country</u>	<u>Translation (Yes/No)</u>
_____	WO 99/01766	1/14/99	WO	No
_____	WO 02/09125	1/31/2002	WO	No
_____	BR 1439031 **			
_____	DE 24 26 919 A	1/2/76	DE	No

#### Other Prior Art (Inc. Author, Title, Date, Pertinent Pages, Etc)

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- \_\_\_\_ Chan, et al., " Luminescent Quantum Dots for Multiplexed Biological Detection and Imaging," Current Opinion in Biotechnology, Vol. 13, No. 1, pages 40-46 (Feb. 2002) \*\*

Examiner

Date Considered:

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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant

\*\* Denotes that copies will follow